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Attorneys for Defendant BEAM GLOBAL
SPIRITS & WINE LLC f/k/a BEAM
GLOBAL SPIRITS & WINE, INC.

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Renata Bonar, On Behalf of Herself, All
Others Similarly Situated and the General
Public,

Plaintiff,

v.

BEAM GLOBAL SPIRITS & WINE, INC.,
and DOES 1-25, Inclusive,

Defendants.

Case No. 11-cv-02058 CAB (KSC)

The Hon. Cathy Ann Bencivengo
Courtroom: 2

**UNDER SEAL
DECLARATION OF STEVE
FECHHEIMER IN SUPPORT OF
DEFENDANT BEAM'S MOTION FOR
SUMMARY JUDGMENT**

Date: February 19, 2013
Time: 2:00 p.m.
Place: Courtroom 2

DECLARATION OF STEVE FECHHEIMER IN SUPPORT
OF BEAM'S MOTION FOR SUMMARY JUDGMENT
11-CV-02058 CAB (KSC)

1 I, Steve Fechheimer, state and declare as follows:

2 1. I am currently Vice President, National Accounts Strategic Development, Jim
3 Beam Brands Co. From October 2009 to August 2011, I was Vice President for Strategy and
4 Corporate Development of Beam, Inc. In that capacity, I was personally involved in and
5 responsible for many aspects of the "Skinnygirl" acquisition referenced below, including key
6 negotiations of the agreement with the sellers. I have personal knowledge of the facts set forth
7 below and, if called as a witness, I could and would testify competently to them. I submit this
8 declaration in support of Beam's Motion for Summary Judgment in the above-entitled action.

9 2. Jim Beam Brands Co. ("Jim Beam"), a wholly owned subsidiary of Beam Global
10 Spirits & Wine, LLC (f/k/a Beam Global Spirits & Wine, Inc.) ("Beam") purchased the
11 "Skinnygirl Margarita" trademark and certain related rights by a March 17, 2011, Asset Purchase
12 Agreement with Skinny Girl Cocktails LLC and others.

13 3. Before March 17, 2011, Beam and Jim Beam did not own the "Skinnygirl
14 Margarita" trademark, and did not have any involvement in marketing or selling the "Skinnygirl
15 Margarita" product. Neither Beam nor Jim Beam assumed liability for "Skinnygirl Margarita"
16 sales or marketing activities occurring before the March 17, 2011 acquisition.

17 4. A true and correct redacted copy of the March 17, 2011, Asset Purchase
18 Agreement with Skinny Girl Cocktails, LLC and others ("Agreement" or "APA") is attached
19 hereto as Exhibit A.

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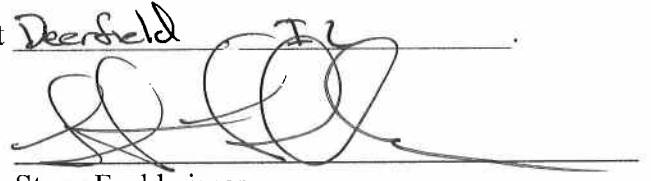
REDACTED

REDACTED

APA, § 2.04.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 27, 2012, at Deerfield IL.



Steve Fechheimer

CHADBOURNE & PARKE LLP
350 South Grand Avenue, 32nd Floor
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